

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

William H. Taylor,
Petitioner,

vs.

Ricardo E. Chavez,* Warden,
Respondent.

No. CIV 08-1032-PHX-NVW (DKD)

REPORT AND RECOMMENDATION

TO THE HONORABLE NEIL V. WAKE, UNITED STATES DISTRICT JUDGE:

William Taylor filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the conclusion by the Bureau of Prisons that he is ineligible to receive early release upon completion of the Residential Drug Abuse Program because of his previous robbery conviction. A search of the Bureau of Prisons Inmate Locator indicates that Taylor was released from custody on April 21, 2009.

IT IS THEREFORE RECOMMENDED that William Taylor's petition for writ of habeas corpus be **dismissed as moot** (Doc. #1).

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment. The

*Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Ricardo E. Chavez, the Warden at FCI Phoenix effective June 16, 2008, replaces Dora Craig Apker.

1 parties shall have ten days from the date of service of a copy of this recommendation within
2 which to file specific written objections with the Court. *See*, 28 U.S.C. § 636(b)(1); Rules
3 72, 6(a), 6(e), Federal Rules of Civil Procedure. Thereafter, the parties have ten days within
4 which to file a response to the objections. Failure timely to file objections to the Magistrate
5 Judge's Report and Recommendation may result in the acceptance of the Report and
6 Recommendation by the district court without further review. *See United States v. Reyna-*
7 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Failure timely to file objections to any factual
8 determinations of the Magistrate Judge will be considered a waiver of a party's right to
9 appellate review of the findings of fact in an order or judgment entered pursuant to the
10 Magistrate Judge's recommendation. *See* Rule 72, Federal Rules of Civil Procedure.

11 DATED this 14th day of May, 2009.

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David K. Duncan
United States Magistrate Judge